IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF ILLINOIS

WILFRED MCCLENDON, JURY TRIAL REQUESTED Plaintiff V.) CASE NO. 21-CV-00313-DWD (TA SAt.) SHEILA LEWIS, Lt. MICHAEL CONAT, (FMR. Sgt.) Lt. REID, Sgt. SLOVER, Sgt. HANSON, C/O SLUNAKER, (JANE DOE, NO. #1), CO AMBER ELLIOTT, Clo C. PIPER, CAO-DEANNA BROOKHART, DEFENDANTS.

AMENDED COMPLAINT

Plaintiff, WILFRED McCLENDON, pro SE, by AND thru the ASSISTANCE OF other prisoners, Complains and bring this action against Abovementioned named DEFENDANTS, in their Individual and Official Capacities, and Alleged AS Follows:

- 11. DEFENDANT, C/O SLUNAKER, is NOW AND WAS AT All times complained of AN OFFICER Employed by IDOC, AT LAWRENCE C.C., HE ENGAGED IN the conduct Complained of While Acting under the color of LAW.
- 12. DEFENDANT, (DANE DOE, NO. #1), is NOW AND WAS AT All times complainted of AN NURSE Employed by WEXFORD HEALTH SOURCES, INC. ("WEXFORD"), CONTRACTED by IDOC, AT LAWRENCE C.C.,. She Engaged in the conduct Complained of while acting under the color of LAW.
- 13. DEFENDANT, AMBER ELLIOTT, is NOW AND WAS AT ALL times complained OF AN OFFICER Employed by IDDE, AT LAWRENCE C.C., She Engaged in the conduct complained OF While Acting under the color of LAW.
- 14. DEFENDANT, % C. PIPER, IS NOW AND WAS AT ALL times complained of AN Officer employed by IDOE, AT LAWRENCE (.C., . HE ENGAGED IN the conduct complained
- 15. DEFENDANT, DEANNA BROOKHART, IS NOW AND WAS At All times complained of the Warden and Chief Administrative Officer Employed by IDOC, At LAWRENCE C.C., . She Engaged in the conduct complained of While Acting under the color of LAW.
- 16. Based upon information and Belief, All of the Defendants are white Andlor of a caucasian American Descent.

JUNISDICTION AND VENUE

- I. This Court has Jurisdiction of this action pursuant to the Civil Rights Act, 42 U.S.C. \$ 1983, 28 U.S.C. 1331 and 1343, and the Constitution of the United States; Supplemental Jurisdiction under 28 USC 1367.
- 2. VENUE is proper under 28 U.S.C. \$ 1391 (b). ON Information and Belief, All Defendants reside in this Judicial District, and the Events giving rise to the Claims asserted herein occurred within this District.

PARTIES

- 3. Plaintiff, WILFRED MCCLENDON, #B-59999, is AN AFRICAN-AMERICAN PRISONER WITHIN the custody of the Illinois Department of Corrections, housed at LAWRENCE CORRECTIONAL CENTER, 10930 LAWRENCE ROAD, Summer, Illinois 62466. MR. MCCLENDON is A Medically Diagnosed Seriously Mentally III ("SMI") Inmate, who has been Diagnosed Asthmatic, as well.
- 4. DEFENDANT, SHEILA LEWIS, IS NOW AND WAS AT ALL TIMES complained OF AN OFFICER Employed by the Illinois Department of Corrections ("IDOC"), AT LAWRENCE CORRECTIONAL CENTER ("LAWRENCE C.C."). She Engaged in the Conduct Complained of while Acting under the Color of LAW. ("Temporarily Assigned Sergeant" TA Syt.").
- 5. DEFENDANT, MICHAEL CONAT, IS NOW AND WAS AT All times complained OF AN RANKING OFFICER LIEUTENANT

- Employed by IDOC, At LAWRENCE C.C., HE Engaged in the conduct complained of while acting under the color of LAW.
- 6. DEFENDANT, Lt. REID, IS NOW AND WAS AT ALL times complained of a Ranking Officer Sergeant ("Sgt."), Employed by IDOC, at LAWRENCE C.C., He engaged in the conduct complained of while acting under the Color of LAW.
- T. DEFENDANT, SQT. SLOVER, IS NOW AND WAS AT ALL times complained OF A RANKING OFFICER SERGEANT, Employed by IDOC, At LAWRENCE C.C.,. HE ENGAGED IN the Conduct complained of while Acting under the Color of LAW.
- 8. DEFENDANT, SQT. HANSON, IS NOW AND WAS AT ALL times complained OF A RANKING OFFICER SERGEANT, Employed by IDOC, At LAWRENCE C.C., HE ENGAGED IN the Conduct complained OF While Acting under the Color of LAW.
- 9. DEFENDANT, SQT. ECKELBERRY, IS NOW AND WAS AT All times complained OF A RANKING OFFICER SERGEANT, Employed by IDOC, At LAWRENCE C.C., the Engaged in the Conduct complained OF while Acting under the Color OF LAW.
- 10. DEFENDANT, CO MARSHALL, IS NOW AND WAS AT ALL times complained of AH OFFICER Employed by IDOC, AT LAWRENCE C.C., HE ENGAGED IN the conduct complained OF While Acting under the color of LAW.

STATEMENT OF FACTS

- 17. ON MARCH 18, 2019, Plaintiff, MR. McClendon, WAS housed in LAWRENCE C.C.'s 7-HOUSE, B-Wing.
- 18. On this same day, MR. McClendon, was told by A (NON-party) B-wing Officer that a NURSE was on location to administer an "Observation Call-Line" For Medication, and that MR. McClendon was on the call-line List.
- 19. On this same day, AS MR. McClendon prepared to Attend the CALL-Line, he asked (NON-party) B-Wing Officer Could he retrieve a cup of Ice. The (NON-party) B-Wing Officer granted MR. McClendon's Request For a small cup of Ice, and Allowed him to proceed to retrieve the Ice.
- 20. On this same day, AFTER, MR. McClendon, Retrieved the Small cup of Ice, he proceeded to the Call-line to receive his Medication. Water was placed inside of MR. McClendon's cup as a medical requirement to orally swallow medication pills.
- 21. On this same day, DETENDANT LEWIS, being an Temporary Assigned Sergeant, Blatantly Disregarded the Medical process and medical Need For MR. McClendon to drink water with his Medication, and attempted to snatch MR. McClendon's Cup of Ice water. As MR. McClendon's natural reflex moved his hand away from DEFENDANT LEWIS' motion to Interfere with MR. McClendon's Oral Consumption of his Psychotrophic Medication she is reason which I was put in serregation First of all because of lies she told. It's all her familishe is one who called Litands to the hurt me!"

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- 22. On this same day, DETENDANT LEWIS, begand yelling at MR.MCCIENdON that She, per SE, did NOT give him permission to get ICE, Id. And CUFF-up!
- 23. On this same day, MR. McClendon, being a Seriously Mentally III-Innate, Not understanding Any IDOC Rule that he may have violated, asked Detendant Lewis, what rule did he violate when the B-Wing Officer had given him permission to get ICE. Detendant Lewis, did not care about the B-Wing Officer's permission and maliciously attempted to handcuff MR. McClendon.
- 24. Based upon Information and Belief, ON this same day, Defendant LEWIS, contacted Detendant Conat, and conspired to Trump-Up False Disciplinary Charges and ASSAULT, MR. MCCIENdon.
- 25. On this same day, March 18,2019, DEFENDANT CONAT, ENTERED 7-HOUSE WITH DEFENDANTS, REID, Slover, Hanson, Eckelberry, Marshall and Slunaker.
- 26. On this same day, Defendant ContaT, Entered B-wing, where MR. McClendon Attempted to explain to Defendant Conat, the incident with Defendant Lewis. Defendant Conat, did not want to hear Anything MR. McClendon was saying, and ordered him to place his hands behind his Back to be handcuffed. MR. McClendon, Complied.

- 27. ON this SAME day, AFTER MR. McClendon was handcuffed behind his back, Defendants Conat, Reid, Slover, Hanson, Eckelberry, Marshall, and Slunaker, Mounted-up, to Escort Mr. McClendon to the Segregation Unit.
- 28. On this same day, AS MR. McClendon, was Escorted out the Building of 7-House, Defendants CONAT and REID, began to ASSAVI MR. McClendons, by First tightening the handcuffs around Mr. McClendons Wrist with the intentions to cut-off Mr. McClendon's blood-flow and circulation. Mr. McClendon began to Yell about the tightness, as Defendants Conat and SLOVER, with ultimate Force, Slammed Mr. McClendon Violently to the ground.
- 29. MR. McClendon's Face, chest, Shoulders, legs, and Knees, Violently Crashed against the Solid Concrete ground. As Mr. McClendon, yelled very helplessly, unable to comprehend Defendants Conat, Slover and Reid's, unlawful assault against him.
- 30. On this same day, AS DETENDANTS CONAT, SLOVER, AND REID, ASSAULTED MR. McClendon, Without CAUSE, DETENDANTS HANSON, ECKELBERRY, MARSHALL, AND SLUNAKER, Stood ON the Side-line, and took NO Action to Stop their ASSAULT ON MR. McClendon.
- 31. On this same day, DEFENDANTS CONAT, SLOVER, AND REID, YANKED MR. McClendon From the ground by

- the handcuffs and arms, extending MR. McClendon's arms up in the rin behind his back, causing MR. McClendon's body stretched forward, bent at his waist, with MR. McClendon's Face toward the ground, being completely overcome and lacking vitality, will, or power to rise, exhausting from his Asthma, and being dragged, while in severe pain.
- 32. On this same day, DETENDANTS, CONAT, REID, SLOVER, HANSON, ECKELBERRY, MARSHALL, AND SLUNAKER, CONTINUED TO ESCORT MR. MCClendon to the Styragation Unit. Thereafter, DEFENDANT REID, 16FT.
- 33. Upon REACHING the Segregation Unit, A-wing, MR. McClendon was placed in a Secure Shower withhealthain" the Shower door closed and locked. Defendant Conat, told MR. McClendon to put his hands than the Restraint port.
- 34. Being in SEVERE pain From the Violent ASSAULT From DETENDENTS CONAT, SLOVER, AND REID, MR. McClendon, Stated that he was physically unable to do so. In Blatant Disregard For MR. McClendon's physical state-of-being... DEFENDANT CONAT, ORDERED DEFENDANT SLUNAKER, to "Pepper Spray" MR. McClendon.
- 35. MR. McClendon, immediately advised Defendants SLUNAKER AND CONAT, that he was Asthmatic and could possibly have an Asthma Attack and Die, while begging Defendants Not to spray him.

- 36. On this same day, March 18, 2019, In Blatant Disregard For Mr. McClendon's Serious Medical Condition, Detendant Slunaker, deployed a very excessive amount of Pepper Spray towards Mr. McClendon's Eyes, nose and mouth. As he yelled For Detendant Slunaker to stop because they were, "Trying to Kill me!
- 37. On this same day, AFTER being Excessively sprayed with the Pepper Spray, Mr. McClendon, began to choke, while losing oxygen to properly breather thru his nose and mouth. Mr. McClendon began to desparately gasp and gasp For Air, as Detendants began to pull Mr. McClendon's Arms thru the port.
- 38. During the pulling of MR. McClendon's Armswith leadchainthru the door port, Detendants would make his Back hit the door real hard, to the point it felt like muscles were being pulled, as Detendants again Squeezed close the handcuffs around MR. McClendon's wrist, cutting open Flesh, where Blood splattered over the Shower door and walls, before removing the handcuffs.
 - 39. On this same, As DEFENDANTS CONAT, And SLUNAKER, DISREGARDED MR. McClendon's SERIOUS MEDICAL CONDITION, and Excessively sprayed him with Large Amounts OF Pepper spray. DEFENDANTS SLOVER, HANSON, AND ECKELBERRY, and MARSHALL, Stood ON the Side-Lines and did nothing to Stop the mistreatment. These DEFENDANTS then All left together.

- 40. ON this SAME day, MARCH 18, 2019, MR. McClendon, informed a Lt. Phillip and 90 Thomas that he could not breather and Needled and Astema Pump, due to the Larger amount of Pepper Spray.
- 41. On this same day, approximately 20 minutes later, Defendant (Jane Doe, No. #1), came to the Seg. Unit, A-wing, and provided Mr. McClendon with and Astrona Pump, then proceeded to place liquid solution on Mr. McClendon's Face and eyes. Defendant (Jane Doe, No. #1), Failed to Treat Mr. McClendon's pains within his Writs, Arms, Shoulder, Knees and Back, After being informed of Defendants Assaults.
- 42. On this same day, Lt. Phillips and C/o Thomas, placed MR. McClendon within a Stagregation, while he remained with open cuts and bleeding.
- 43. On March 19,2019, MR. McClendon, intermed clowest that he was still bleeding and had severe pains in his knees, elbow, wrist, and had open-cuts as well, and that he needed Medical Attention. However, MR. McClendon did not receive any Medical Attention, After Reguesting.
- 44. On this same day, MARCH 19, 2019, MR. McClendon Was served Two (2) Separate Disciplinary Tickets that were Falsely written by Detendants Lewis, and CONAT.

- 45. Both Disciplinary Reports Charged MR. McClendon With "Assault" and "Disobeying A Direct Order."
- 46. DETENDANT LEWIS, TALSE REPORT FAILED to include any violations of IDOC Rules that MR. McClendon violated in Retrieving the cup of ICE on March 18,2019, which was the cause of Everything Else that Followerd.
- 47. At some point, MR. McClendon was Interviewed by an Investigator Marc Hodge, regarding the March 18, 2019 Incidents. No Surveillance Video Footage Could Substantiate Detendant Lewis' False Allegations that MR. McClendon "hit her hand". Nor was there any Surveillance Video Footage that could substantiate Detendant Conat's False Allegations that MR. McClendon, pulled away from Detendant Conat, while being Escorted to Segregation or that "he was Spit on" by MR. McClendon.
- 48. ON MARCH 21,2019, MR. MCClENdon, WENT to AN Disciplinary HEARING before the Adjustment Committee. Where he explained that he had a witness in his Detense. No Continuance was given to Secure his witness. And he asked the Committee to Review Video Footage in his Detense which was Denied. He was Found Guilty.
- 49. MR. McClendon was Devied a Fair and Impartial Disciplinary Hearing, where the

- Adjustment Committee's "FINAL SUMMARY REPORT" does not indicate any Independent Investigation that was conducted by the Committee to satisfy their basis for Punishment. Their Report only reiterates what Mr. McClenden was initially charged with and Mental Health Recommendations.
- 50. The Adjustment Committee Sentenced MR. McClendon to 6 Months C-Grade, 45 Days Segregation, Disciplinary Transfer, and 6 Months Contact Visits Restriction.
- 51. Based upon Internation and Belief, MR. McClendon WAS left in Segregation beyond the Sentenced 45 Days.
- 52. At Some point, MR. McClendon was Transferred to Pickneyville Correctional Center. In August 2019, MR. McClendon left Pickneyville C.C. and was REMANDED to the Cook County Department of Corrections.
- 53. During MR. McClendon's criminal case REMAND, he received a NEW LESSER SENTENCE. HE was again SENTENCED to JDOC in January 2020, where he returned.
- 54. ON OR About, FEBRUARY 11,2020, MR. McClendon WAS TRANSFERRED back to LAWRENCE C.C., WHERE HE EVENTUAlly WAS housed in GENERAL Population.

- 55. Based upon Information and Belief, Defendant Brookhart, conspired to Retaliate Against MR. McClendon, by having him placed back in Segregation under the False pretense OF "Investigation".
- 56. ON July 29,2020, it is believed under the direction of Defendant Brookhart, Mr. McClendon Was taken out of General Population and placed in Segregation, with a Sham, "Investigative Ticket," Written by Defendant Piper.
- 57. On August 27, 2020, DETENDANT Ellott, Wrote MR. McClendon, Another "Investigative Ticket," So that he could Remain in Styregation as punishment without violating any IDOC Rules.
- 58. ON SEPTEMBER 23,2020, DEFENDANT Ellott Again Wrote Mr. McClendon, Another Sham, "Investigative Ticket," to Keep him placed in Segregation without Violating any IDOC Rules.
- 59. ON NOVEMBER 30, 2020, DEFENDANT BROOKHAPT, had MR. McClendon, moved to the Highest-Security maximum Wing in IDOC... "Administrative Detention," Where MR. McClendon Violated NO IDOC RULES OR REGUlations. Although Defendant Brookhapt, did not place him under "Administrative Detention Status," because it would Reguire her to complete paperwork,

- AND FORWARD SUCH documents to IDOC DEPUTY DIRECTOR, IDOC Chief OF OPERAtions, AND/OR the IDOC DIRECTOR, Which She did Not Wish to do.
 - 60. DEFENDANT BROOKHART, WANTED TO KEEP HER ACTIONS AND/OR INACTIONS THAT WERE UNLAWFULLY PUNISHING MR. McClendon.
 - 61. On this same day, November 30, 2020, MR. MCCIENdON FIED A GRIEVANCE REGARDING DEFENDANTS UNLAWFUL Acts.
 - 62. ON DECEmber 16, 2020, A Counselor Gosnell, Responded to MR. McClendon's Grievance:
 - "SEG CONFINEMENT AND CEll Placement is AN Administrative Decision. Per Written Response From Warden [Defendant"] Brookhart Offender Assaulted Staff @ this Facility and Cannot Stay due to Satety and Security Concerns."
 - 13. As OF October 25,2021, MR. McClendon 18 Still housed in Administrative Detention Wing For Punishment, For the March 18,2019 Incident.
 - 64. AS OF JUNE 18,2021, LAWRENCE C.C. began to Transition into A Full Maximum-Security Facility, And has Transferred Hundreds (Approx. 500) Immates between June 2021 thru October 2021.

 MR. McClendon has not been Among that Number.

COUNT 1. - EIGHTH AMENDMENT EXCESSIVE FORCE CRUEL AND UNUSUAL PUNISHMENT DELIBERATE INDIFFERENT TO MEDICAL CONDITION FAILURE TO INTERVENE

- 65. Plaintiff, WILFRED MCCLENDON, REPEAT, RE-Allege and Incorporate by REFERENCE the Factual Allegations as Fully set Forth herein.
- 66. The Eighth Amendment to the United States Constitution guarantees MR. MCCLENdon the Right to be FREE From Excessive Force, Cruel and Unusual Punishment, Deliberate IndiFference, and Failure To Intervenes.
- 57. DEFENDANTS, CONAT, REID, SLOVER, AND SLUNAKER, Acting under the color of State LAW, VIOLATED Plaintiff'S 8th Amendment Protected Rights to be Free From Excessive Force, and Cruel and Unusual Punishment, When Defendants Conat, Reid, SLOVER and Slunaker, Failed to use De Minimus Forces against Plaintiff, and Engaged in a Vicious Assault against Plaintiff without Lawful Justification.
- 68. DETENDANTS, CONAT AND SLVNAKER, ACTING UNDER the COLOR OF STATE LAW, VIOLATED PLAINTIFF'S 8th AMENDMENT PROTECTED Rights to be FREE FROM CRUE! AND UNUSUAL PUNISHMENT, AND DELIBERATE INDIFFERENCE to SERIOUS MEDICAL CONDITION, WHEN

Plaintiff Advised Defendants Cont and Slunaker, of his Asthmatic Condition and that Pepper Spray would harm him, and Defendant Slunaker, in Blatant Disregard Followed Defendant Conats, order, and Excessively Sprayed Plaintiff Causing physical harm and Exacerbating Plaintiff's Asthmatic Condition.

69. DEFENDANTS, HANSON, ECKELBERRY, AND MARSHALL, Acting under the color of State LAW, Violated Plaintiff's 8th Amendment Protected Rights to be Free From Excessive Force, Cruel and Unusual Punishment, and Deliberate Indifference to a Serious Medical Condition, when Defendants Hanson, Eckelberry, and Marshall, Stood on the Side-line and Failed to Intervene the Unlawful Conduct by Defendants Conat, Reid, Slover, and Slumaker.

MARSHALL, Acting under the color of State LAW, Violated Plaintiff's 8th Amendment Protected Rights, to be Free From Excessive Force, Cruel and Unusual Punishment, and Deliberate Indifference to a Serious Medical Condition, When Detendants Hanson, Eckelberry, and Marshall, Approved, Condoned, Facilitated, or Turned A Blind Eye to the Unlawful Wanton and Malicious Conduct of Detendants Conat, Reid, Slover and Slunaker.

COUNT 2. - FIRST AND EIGHTH AMENDMENTS RETALIATION EXCESSIVE PUNISHMENT CRUEL AND UNUSUAL PUNISHMENT

- 71. Plaintiff, WILFRED MCCLENDON, REPEAT, RE-Allege and Incorporate by REFERENCE the Factual Allegations as Fully SET FORTH herein.
- 72. The First and Eight Amendments to the United States Constitution guarantees MR. McClendon the Rights to be FREE From Retaliation, Excessive Punishment, and Cruel and Unusual Punishment.
- 73. DETENDANT, BROOKhART, ACTING UNDER THE COLOR OF STATE LAW, VIOLATED Plaintiff'S 8th Amendment Protected Rights to be Free From Excessive Punishment, and Cruel and Unusual Punishment, When Detendant Brookhart, Approved, Condoned, Fostered, Facilitated, OR Turned A Blind Eye to MR. McClendon Serving more than his 45 Day Sentence in Segregation for the March 18,2019 Incident, which was imposed by the Disciplinary Committee and Finalized by Defendant.
- 74. DEFENDANT, BROCKHART, ACTING UNDER THE COLOR OF STATE LAW, VICIATED Plaintiff'S 8th Amendment Protected Rights to be FREE From Excessive Punishment, and Cruel and Unusual Punishment, when Detendant Brookhart, pretextually, with unlawful means, ordered for MR. McClendon to be placed back in Segregation,

UNDER A "PRETEXTUAL DE FACTO INVESTIGATION STATUS," All the while covertly punishing Mr. McClendon twice For the March 18, 2019 Incident.

75. DETENDANT, BROOK hart, Acting under the Color of State LAW, violated Plaintiff's 8th Amendment Protected Rights to be Free From Excessive Punishment, and Cruel and Unusual Punishment, when Detendant Brookhart, while lawful, but with unlawful MEANS, Ordered for Mr. McClendon Housing in General Population to be re-assigned to live in a "Pretextual De Facto Administrative Detention Status/ Wing," All the while Context 14 punishing Mr. McClendon thrice For the March 18,2019 Incident.

The Detendant, Brookhart, acting under the Color of State LAW, violated Plaintiff's 1st and 8th Amendment Protected Rights to be free From Retaliation, Excessive Punishment, and Cruel and Unusual Punishment, When Defendant Brookhart, took retaliatory action against Plaintiff after he used his free Speech to Inform Lawrence C.C.'s Adjustment Committee and believed to be IDOC External Investigator of the Unlawful, malicious, and wanton, conduct of Officers on the Evening of March 18,2019, who violently assaulted Mr. McClendon and used False Trumped-Up Charges to Justify their unlawfulness.

COUNT 3. - FIFTH AMENDMENT DOUBLE JEOPARDY

- 77. Plaintiff, WILFRED MCCLENDON, REPEAT, RE-Alleged and Incorporate by REFERENCE the Factual Allegations as Fully SET Forth HEREIN.
- 78. The Fifth Amendment to the United States Constitution guarantees MR. McClendon the Right to be FREE From Double Jeopardy.
- 79. DETENDANT, BROOKhart, Acting under the color OF State LAW, Victated Plaintiff's 5th Amendment Right to be FREE From Double Jeopardy, when Detendant Brookhart, While may be lawful, Pretextually, by unlawful means, upon learning that Mr. McClendon was Transferred back to Lawrence C.C., After being Released From Segregation and Completing penalties imposed upon Plaintiff for the March 18, 2019 Incident, placed Mr. McClendon back in Segregation, under a "Pretextual De Facto Investigation Status," All the while punishing Plaintiff twice for the March 18, 2019 Incident, then Re-assigning thousing for Plaintiff From Regular General Population, to under "Pretextual De Facto Administrative Detention Housing," All the while covertly punishing Mr. McClendon, thrice for the March 18, 2019 Incident.
- 80. DETENDANT, BROOKHART, has Final Policy and Decision making Authority at LAWRENCE C.C.,.

COUNT 4. - CONSPIRACY, VIA 42 U.S.C. \$1983

- 81. Plaintiff, WILFRED MCCLENDON, REPEAT, RE-Allege And Incorporate by REFERENCE the Factual Allegations AS Fully SET FORTH hEREIN.
- 82. As described in the preceding paragraphs, Defendants, Lewis, Conat, Reid, Slover, Hanson, Eckelberry, Marshall, Slunaker, Ellott, Piper, and Brookhart, All acting under the color of State Law, and Acting in Concert with other Known and Unknown Conspirators, Reached an Understanding to deprive Plaintiff of his Constitutional Rights.
- 83. Plaintiff, MR. McClendon, WAS deprived of his Constitutional Rights in the manner described in the preceding paragraphs.
- 84. That in Furtherance of the Conspiracy, the Defendants, LEWIS, CONAT, REID, SLOVER, HANSON, ECKELBERRY, MARSHALL, SLUNAKER, (JAME DOE, NO, #1), ELLOTT, PIPER, AND BROOKHART, Committed OVERT AND COVERT ACTS, AND WERE OTHERWISE WILLTU PARTICIPANTS IN Joint UNIAWFUL ACTIVITY WITH AND AS STATE ACTORS UNDER THE COLOR OF LAW.
- 85. The Unlawful Misconduct described in this Amended Complaint was undertaken with malice, willfulness, Aforethought, and Reckless indifference to Mr. McClendon's Constitutional Rights.

86. As A RESULT OF the AFOREMENTIONED depri-VATION OF FEDERALLY PROTECTED Rights, MR. McClendon have suffered and will likely continue to suffer Injuries, including, but not limited to, emotional Distress.

CONCLUSION

WHEREFORE, Plaintiff, WILFRED MCCLENDON, pro SE, ASKS FOR the Following Judgments Against Defendants:

- A.) DECLARATORY And Injunctive Relief;
- B.) Compensatory Damages of \$100,000.00;
- c.) Punitive Damages of \$ 200,000.00;
- D.) Emotional and Mental Damages of \$75,000.00;
- E) Cost and FEES incured in this action; and,
- F) Any Other Relief deemed Just and Fair.

RESPECTFULLY Submitted,

15/3/1/food McClendon #B-59999

LAWKENCE CORRECTIONAL CENTER

10930 LAWRENCE ROAD

SUMNER, IL 62466

(PRO SE-PlaintiFF)

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ILLINOIS DEPARTMENT OF CORRECTIONS

Offender Disciplinary Continuation Page

Disciplinary Report	☐ Investigative Report	☐ Disciplinary Summary	Adjustment Committee Summar
Report/Incident Date:	3-13-18	Incident # (if applicable	le).
Offender Information:		นใหญ่แฟลโลกกา	
Offender Name: //	Le Cherlon, Wilfi	upolevent ID#	559999
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STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE **FINAL SUMMARY REPORT**

Name: MCCLENDON, WILFRED

IDOC Number: B59999

Race: BLK

Hearing Date/Time: 3/21/2019 03:21 AM

Living Unit: LAW-S-AL-05

Orientation Status: N/A

Incident Number: 201900977/1 - LAW

Status: Final

Date	Ticket #	Incident Of	ficer	Location	Time
3/18/2019 3/18/2019	201900977/1-LAW 201900977/2-LAW	LEWIS, SH		HOUSING UNIT SEVEN HOUSING UNIT SEVEN B WING	06:00 PM 06:04 PM
Offense	Viola	ation		Final Result	
102b	Assa	ult		Guilty	
215		peying a Direct Co	order Essential to Safe	ty and Guilty	
Witness			Witness Name	Witness Status	

No Witness Requested

RECORD OF PROCEEDINGS

MHP completed a DOC0443 and the Committee reviewed.

ODR read. Pled not guilty to both charges. Stated- I have a witness but couldn't turn it in because they haven't let me have a pen. The officer didn't let me sign when served. Sgt was hateful. My C/O gave me permission to get ice. Look at the camera. I did nothing to her. I did not spit on officers.

BASIS FOR DECISION

Based on TA Sgt Lewis conducting R7 B Wing mediine states I/M McClendon B59999 came out for medication and stopped at the ice machine and scooped ice in his cup. Lewis advised McClendon he was out here to get meds, not ice. McClendon replied "I get ice whenever I want. You can't tell me what to do. Lewis asked McClendon for his ID to which McClendon refused. When Lewis put her hard out and gave McClendon a direct order to give his ID, McClendon smacked Lewis's hand and stated "Get away. You're not getting my ID. I get ice whenever I want." Lewis gave McClendon three direct orders to turn around and cuff up., to which McClendon refused. Zone Lt Conat notified, responded, placed McClendon in mechanical restraints, and escorted McClendon out of the housing unit. Mental Health reviewed inmate's case and summarized in Mental Health Summary (completed DOC0443). MHP recommendations were to resume proceeding and proposed segregation time to 45 days for 102b charge and 45 days for 215 charge. The Adjustment Committee reviewed DOC0443 and recommended 45 days segregation time due to seriousness of the offense.

Based on ODR reporting Lt Conat being informed by Sgt Lewis that I/M McClendon B59999 had hit her in the arm and was refusing to be placed into restraints by Sgt Lewis. Conat gave McClendon several direct orders to be placed in restraints. McClendon refused then finally complied. As Conat and Sqt Slover were escorting McClendon out of the housing unit, McClendon attempted to pull away from Conat. Conat states they had to take McClendon to the ground to regain control. McClendon, placed in a secure shower in Seg, turned to Conat, stated "Fuck you bitch", and proceeded to spit on Conat's chest. McClendon turned away from the cuff port so the restraints couldn't be removed. McClendon then spit onto the forehead of Conat. Conat gave McClendon several direct orders to place his hands in the cuffing port. McClendon continued to attempt to spit on staff. Conat ordered C/O Slunaker to deploy pepper spray to McClendon. Slunaker deployed a short burst of pepper spray to McClendon's head area. McClendon was given several more direct orders to place his hands in the cuff port, to which McClendon finally complied. Conat was informed by C/O Marshall that spit from McClendon had struck him in the cheek area. Based on witnesses to incident: Sgt Slover, Sgt Hanson, Sgt Eckelberry, and C/O Slunaker.

Mental Health reviewed inmate's case and summarized in Mental Health Summary (completed DOC0443). MHP recommendations were to resume proceeding and proposed segregation time to 45 days for 102b charge and 45 days for 215 charge. The Adjustment Committee reviewed DOC0443 and recommended 45 days segregation time due to

seriousness of the offense.

Data: 4/22/2010 12.52.5

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E-2.61-4

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS **ADJUSTMENT COMMITTEE FINAL SUMMARY REPORT**

Name: MCCLENDON, WILFRED

IDOC Number: B59999

Race: BLK

Hearing Date/Time: 3/21/2019 03:21 AM

Living Unit: LAW-S-AL-05

Orientation Status: N/A

Incident Number: 201900977/1 - LAW

Status: Final

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED		FINAL	
6 Months C Grade	6 Months C Grade		
45 Days Segregation	45 Days Segregation		
Transfer (Disciplinary)	Transfer (Disciplinary)	
6 Months Contact Visits Restriction	6 Months Contact Vis	its Restriction	
Basis for Discipline:nature of offense			
Signatures			
Hearing Committee	\		
WILLIAMS, DARREN N - Chair Person	Will'	03/21/19	WHI
	Signature	Date	Race
DELLINGER, GALEN P	had	03/21/19	IND
	Signatur	Date	Race
Recommended Action Approved			
nal Comments: N/A			
	\sim		
EANNA M BROOKHART / DMB 4/22/2019		04/22/19	
Chief Administrative Officer	Signature	Date	

Housing Unit: Sec A Bed # 1-5
OFFENDER'S GRIEVANCE

Housing Unit: Sec A Bed # 1-5
OFFENDER'S GRIEVANCE

Housing Unit: Sec A Bed # 1-5
Page 1D #78

Date:	Offender: Wilfre	2 McClendon	51116	ID#: P-59999
resent Eacility:	Control of the Control of the Control	Facility where grievance		
Pinkneyville	Lorr. Cen.	issue occurred: Lawre	ence C	or Cen.
ATURE OF GRIEVANCE:				
Personal Property Staff Conduct	☐ Mail Handling ☐ Dietary ☐	Restoration of Good Time Medical Treatment	☐ ADA D ☐ HIPAA	isability Accommodation
☐ Transfer Denial by Facility	Other (specify):	A. Made and a first	ENDE:	
Disciplinary Report:	/ 18 / 19 Date of Report	Lawrence Co	lity where issued	
Note: Protective Custody Den	ials may be grieved immediate	ely via the local administration on the	ne protective cu	stody status notification.
Grievance Officer, only if the is Chief Administrative Officer, Administrative Review Board	volves discipline, is deemed at ssue involves discipline at the only if EMERGENCY grievand, only if the issue involves prof	n emergency, or is subject to direct present facility or issue not resolve	review by the A d by Counselor stration of psycl	Administrative Review Board.
ummary of Grievance (Provide inform	nation including a description of	f what happened, when and where it is	happened, and the	ne name or identifying information
ime of Medline call.				
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Check only If this is an EMERGE				ious or irreparable harm to self.
Check if this is NOT an emergence				
Triboto ME	Chenton	B 599		<u> </u>
Offe	ender's Signature (Continue o	n reverse side if necessary))#	Date
At the second		National Artifacture (Control of the Control of the		
	Counselor	s Response (if applicable)	-11/1	
Date Received:/	Send directly to			of this facility. Send to
			ninistrative Rev Ingfield, IL 627	iew Board, P.O. Box 19277, 47, 94-9277
tesponse:	\$ 1. (1. 4. (0. c), (4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4			
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- Print Counselo	's Name	Counselor's S	ignature	Date of Response
	EMEI	RGENCY REVIEW	9.00 A	
Date				
Received: 1 1	Is this determined	to be of an emergency nature?	A THE PERSON NAMED IN	e emergency grievance
			Offender should	gency is not substantiated. submit this grievance
			n the normal m	anner.
C	hief Administrative Officer's Signat	TITE .	Carlo This and	Date "

	speak to a hat. Mensine could palear to and whire there I would back on Bright of her and
	Lit Constshoot up with a lot of 90's. Then I in the exclain to 1 th Constation the
_	situation that occurred with his Sqt Lewis, text to Concit had his mind made
	up and he when't trying to how what I had say by Congt told me to turn around
	and cuffing so I del So me started to walk all Brown unto the forger and the Yo's
	was walk with me. then the hat Conch said he will take me than
	the LL Const started pulling on me and been ruff by putting the hard cuffon
	tight. When we got out side Lt. Const through me down to grownland start dragme
1	I toke him this is not how you treat human being so ht Conat stated stop resisting
1	and I said how is it that I'm resisting when am on ground. He took me seg and when
	gothank there he tok So's to get the lead chain h. A. Correct put me in the charger and the open
1	the chuck hole to the chance door then he pulled lead that whrough it. Then L. Conat
	said to me put my hands through showerdoor chuck hole. I told him my hands are at
1	the chuckhole but he wanting to prethen a tende the chackbrde which I couldn't do Then
-	the stated to the Sis if I don't put my hands through the chuckhale peoper sprayme. I told
	the Lite Concert I have asthma which he didn't care so he told the To to spray me
	And the % spray me and Lt. Conat and the 90's start pull the local chain through the shower
	chuckhole realthand and my hold arms and hands cantal way through shower chuckhole
	the ht and 90's pulles hard my book hit the book of the showerdoor which stratch
	up my elbonis L.A. Concit stort squeezed the hardrest tighter and tighter and pulling
	real hard down on my arms, Input to break them and my was & too. Which was extreming
	winicessan force! Afferthat did what they want to do that lest and the I told this
	Withillight couldn't brough because they spay me and I need my asthma pump so she called
1	for the nurse after 20 min) wentity the nurse come and she que me my astrono pump then she
3	pit some solution in my eye's After that was did but Phillip and Yo Thomsopulme watcell
	then I asked the hat thiplip is the nurse going clean my cuts and boundage them. So after
9	that the shift has change (11:00 pm to 7:00 and when I told the both next shift that I med
100	to see nurse because I have open cuts and whounds need be chechand badage and nothing was done
	I am Amended this Grievance because on March 20, 2019 the I. A took picsofmy and
1	and warnes and I then talked to another I. A from the Southern Illinois his name beinguithers
	H) and he show me the vidoe. So I intend to preserve the evidence of the vidoe footage and a
	of incident that occurred 3-18-19
1	

Distribution: Master File, Offender

Type of Report:	Offender Disciplinary Repo	ort
☐ Disciplinary ■ Investigative	Facility: Lawrence Correctional C	enter Date: 07/29/2020
Offender Name: McClendon, Wilfred	ID #: B59999	SMI: Ves Race: Black
Observation Date: 07/29/2020 An	oproximate Time: 10:45	
Offense(s): DR 504: Investigative Sta		nm. 10 BE 10
investigative Sta	IUS	
Observation: (NOTE: Each offense identified above	ve must be substantiated.)	
Offender WILFRED MCCLENDON #B59	9999is being placed in Segregation	under Investigative Status pending the
outcome of an Investigation. Upon the	e completion of an Investigation, it	t shall be determined if Offender
State Identification Card and through	Institutional Graphics.	OON #B59999 was positively identified by his
The state of the s		
Witness(es):		· a la l
1 O D:	tinuation Page, DOC 0318, is attached to desc 176	cribe additional facts, observations or witnesses.
	Badge # Signature	Date Time
	Disciplinary Action:	0,
Shift Review: Temporary Confinement	■ Investigative Status Re	asons: Pholine Injustication
* Sheeler		- Train
Printed Name and Badge #	Shift Supervisor's Signatu (For Transition Centers, Chie	re Date ef Administrative Officer)
Reviewing Officer's Decision: Confin	ement reviewed by Reviewing Officer	Comment: Command Continued
Major Infraction, submitted for Hearing	Investigator, if necessary and to Adju-	stment Committee
Minor Infraction, submitted to Program		120.70
Print Reviewing Officer's Name and Badge #	Reviewing Officer's Signatu	1.67.11
Hearing Investigator's Review Requi	red (Adult Correctional Facility Major Reports	Only
	(Addit Contectional Facility Major Reports	o Only).
Print Hearing Investigator's Name and Badge #	Hearing Investigator's Signa	
You have the right to appear and present a written of	pplicable to all Hearings on Investigative an or oral statement or explanation concerning the	nd Disciplinary Reports e charges. You may present relevant physical material such
as records of documents.	Hearings Conducted by the Adjustment Co	
You may ask that witnesses be interviewed and, if n	ecessary and relevant they may be called to t	tootifis during your hooring. Vanage and the state of
	form tearing it off, and returning it to the Adire	ou wish to have interviewed and specify what they could
☐ Check if offender refused to sign	assortable extension of time to prepare for your	r nearing.
	r's Signature	(D#
Serving Employee (Print Name)	Badge #	Signature
7.30-20	10.78	□ am □ pm
Date Served	Time Served o waive 24-hour notice of charges prior	
	Mario 2 1 Mode House of Charges phot	to the disciplinary hearing.
Offender's Signature	ID#	
(Detach and Return	to the Adjustment Committee or Prograr	m Unit Prior to the Hearing)
	, and a second of the second o	in Olite 116 (to the Hearing)
Date of Disciplinary Report	Print offender's name	ID#
of the above date:	or crogram unit consider calling the fol	llowing witnesses regarding the Disciplinary Report
Print Name of witness	Witness badge or ID# Assigned Cell (if applicable)	Title (if applicable)
Witness can testify to:		
Print Name of untoose	Affinon haden - 10.0	
	Witness badge or ID# Assigned Cell (if applicable)	Title (if applicable)
Witness can testify to:		The state of the s
	Page 1 of 1	

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Printed on Recycled Paper

Case 3:21-cv-00313-DWD Document 17 Fled 11/12/21 Page 31 of 34 Page ID #81 Offender Disciplinary Report
Type of Report: Disciplinary Investigative Facility
Offender Name: Wiffred MCClendon ID#: 859999
Observation Date: Approximate Time: Dam. Location: A/8
Offense(s): DR 504: Investigative Status
Observation: (NOTE: Each offense identified above must be substantiated)
out come of as in what we low the Constehand an invertigation it shall
be determined in effender the Clerkon in to be lited under DR 504.
and and instituted a raphics
Miles
Witness(es): Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.
Reporting Employee (Print Name) Badge # Signature Date Time
Disciplinary Action:
Shift Review: Temporary Confinement Investigative Status Reasons:
Printed Name and Badge # Shift Supervisor's Signature Date
(For Transition Centers, Chief Administrative Officer) Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment:
☐ Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee
☐ Minor Infraction, submitted to Program Unit
Print Reviewing Officer's Name and Badge # Reviewing Officer's Signature Date
Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):
Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date
Procedures Applicable to all Hearings on Investigative and Disciplinary Reports You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.
Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.
Check if offender refused to sign
Offender's Signature !D#
Serving Employee (Print Name) 8-29-20 6:10 am pm
Date Served ☐ I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.
(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)
Date of Disciplinary Report Print offender's name I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:
Print Name of witness Witness badge or ID# Assigned Cell Title (if applicable)
Witness can testify to:
Print Name of witness
Witness can testify to:
Pageof
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Case 3:21-cv-00313-DWD Document of Correct Page 32 of 34 Page ID #82
Type of Report: Disciplinary Investigative Facility
Offender Name: MCClouds Wilfred ID#: Regging
Observation Date: Approximate Time: a.m. Location:
Offense(s): DR 504:
Observation: (NOTE: Each offense identified above must be substantiated)
Cut come of a muchaatur lepon the consistence of as weather the
is chall the des Sind is tall in me Chadre on to is when
Hate identification could and be one interpreted by his
Witness(es):
Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.
Reporting Employee (Print Name) Badge # Signature Date Time
Disciplinary Action:
Shift Review: Temporary Confinement Investigative Status Reasons:
Printed Name and Badge # Shift Supervisor's Signature Date (For Transition Centers, Chief Administrative Officer)
Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment:
Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee
Minor Infraction, submitted to Program Unit
Print Reviewing Officer's Signature Date
Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):
Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date Procedures Applicable to all Hearings on Investigative and Disciplinary Reports
You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.
Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be
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☐ Check if offender refused to sign
Offender's Signature ID#
Serving Employée (Print Name) Badge # Signature D am D pm
Date Served Time Served I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.
(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)
Date of Disciplinary Report Print offender's name I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report
of the above date:
Print Name of witness Witness badge or ID# Assigned Cell (if applicable) (if applicable) Title (if applicable)
Witness can testify to:
Print Name of witness Witness badge or ID# Assigned Cell Title (if applicable) (if applicable)
Witness can testify to:
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Offender Facility (2)

Case 3;21-cv-00313-DWD Document 17	7 Filed 11/12/21 Page 33 of 34 Rage ID#83	
Assigned Grievande Find LAWRENCE CORR. C	Housing Unit SECT Bed # 1	5
1st Lyl rec	MENT OF CORRECTIONS r's Grievance 2nd Lvl iec	
Date: 11.30 20 Offender (please print) C/2 Nd	DN 1D#: 8-59999 Race (optional): Human	
Present Facility: Lawrence: Cerrectional Center Nature of grievance:	Facility where grievance issue occurred:	
Personal Property Mail Handling	Medical Treatment ADA Disability Accommodation	
Staff Conduct Dietary	☐ HIPAA ☐ Restoration of Sentence Credit	
Transfer Denial by Facility Other (specify): Z//	Egally USED SEG CONFINEMENT/Misconduc	£
☐ Disciplinary Report	July Green Gey SNT INCHANT / MISCENSUE,	7
Date of report	Facility where issued	
Note: Protective Custody Denials may be grieved immediately vi	ia the local administration on the protective custody status notification.	
iosnou receptable marked grievance :	Disciplinary Report, Search Record, etc.) and place in the designated	
Chief Administrative Officer, only if EMERGENCY grievar Mail to Administrative Review Board, only if the issue invo	nce olves protective custody, involuntary administration of psychotropic drugs	
Summary of Grievance (Provide information including a description of what each person involved):	operty issues, or issues not resolved by the Chief Administrative Officer. It happened, when and where it happened, and the name or identifying information in	for
As of November 30th, 2020 1	LIANDENCE CORREctional CENTER'S	
STAFF UPON this Sadistically o	LEMENTEN CADRE / Administration	
Has USE A diabolically VILE and IN a Malevolent Mannez to His	illegally deleterious SEG CONFINER	
	ing cultivated in a proclivity to o	
DEANNA BROOKhART KNOW OF SU	avoc Used against ME Maliciously &	STME
Relief Requested:	Continued on rever	se
) Rob JEFFREYS Shall ORDER L	JAWRENCE CORRECTIONAL CENTER 7	4
Stop Using deprivational illegal seg	CONFINEMENT IN a Way to FORTURE ME TO NEFARIOUS FACTICS IN a VILEMANNE	50
	GRAMIS deliberate indifference HERE	
3) I REGUEST to bE RELEGISED FROM	n Phis Illegal SEG CONFINEMENT. Fins sk of imminent personal injury or other serious or irreparable harm to self.	£
Check if this is NOT an emergency grievance.	B-59999 11.30.20	
Offender's Signature	Date reverse side if necessary)	
		-
Counselor's Response (if applicable) Date Received: 12 Outside jurisdiction of this facility. Send to: Administrative Review Board		
Response:	u, 1 0 Box 19217, opinighoo, 12 32131 3211	
Sea Confinement and cell placem	ut is an administrative decision	1-
Per written response from w	arden Brookhart - Offender assav	1ted
Staff & this facility and can	mot stay dit safety + security	/
COACECUS.		
11 /205 rel	12/16/20	
Print Counselor's Name	Sign Counselor's Name Date Sign Counselor's Name Date	flicer.
Data Danaharda	responsibility to forward grievance with counselor's response to the grievance of	
EMERGENCY REVIEW: Date Received:		
Is this determined to be of an emergency nature: Yes, expedite emergency grievance		
No, an emergency is not substantiated. Offender should submit this	grievance according to standard grievance procedure	
Chief Administrative Officer's Signature of Chief Administrative Officer's Offic	gnature Date Page 1 of 2 DOC 0046 (Rev. 01/	/2020)

Case 3:21-cv-00313-DWD Assigned Grievance #firistifution	Document 17	Filed 11/12/21	Page 34 of 34 Housing Unit	Page ID #84 Bed #:
1st Lvi rec	ILLINOIS DEPARTM Offender	ENT OF CORRECTIONS S Grievance	21	nd Lvt rec:
of 211 T haven't did transfer for some of for last year.	anything	and No"	I and go	ing on any
				N-13 (1981 A A 7